

Letter A-3- City of San Diego

- A-3-1** The County acknowledges and appreciates the comment. The comment provides introductory information on the City of San Diego's role as a Responsible Agency under CEQA, and how it will utilize the DEIR.

While the County was not able to grant an extension for the public review period, comments from the City of San Diego will still be included as part of the FEIR and considered by the decision makers.

- A-3-2** The comment discusses permits and actions that may be required as a part of Project approval and implementation. Additionally, the comment lists the departments of the City of San Diego that contributed to the comment letter. However, the comment does not present any issue or make any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.

- A-3-3** The confidential site location maps were sent to City of San Diego staff on June 24, 2015, and confirmation of receipt was given on June 25, 2015.

- A-3-4** For impacts in City of San Diego-owned public right-of-way or open space, the City has the discretion to include additional mitigation measures with approval of the Site Development Permit (SDP) and associated actions. If human remains or associated artifacts are found on City-owned public right-of-way or open space during data recovery or monitoring, archaeological staff from the City of San Diego will be notified and consulted.

- A-3-5** See Response to Comment A-3-4.

- A-3-6** The County acknowledges that additional permits and approvals would be required, which would include an SDP, an MHPA Boundary Line Adjustment, and easements for expanded road rights-of-way. The County disagrees that the DEIR is inadequate to support such permits and approvals. The MHPA Boundary Adjustment is discussed throughout Section 2.3 of the EIR; the SDP has been added to Table 1.0-2 as a future discretionary action; and easements are discussed in Table 1.0-2 and throughout Sections 2.3, 2.4, and 2.7. Further, the City has the discretion to impose additional conditions of approval and/or mitigation measures.

The land surrounding Lower Otay Reservoir is owned by the City of San Diego's Public Utilities Department and is known as Multiple Habitat Plan Area (MHPA)/Cornerstone Lands. Otay Lakes Road is a Community Element Roadway, which is an allowed use in the City and County Multiple Species Conservation Plans. To accommodate the anticipated development of the Otay Ranch General Development Plan, the roadway will be widened to four lanes and realigned to accommodate the growth in traffic volumes and to minimize impacts to sensitive vegetation within or adjacent to the Otay Lakes Road right-of-way. The City of San Diego, Municipal Code (§11.0104) requires that all development on City-owned land be reviewed against appropriate City Ordinances, then an appropriate City entitlement permit be obtained, prior to initiation of any work/construction. Since a portion of the realigned and widened roadway will be located on City-owned land that contains Environmentally Sensitive Lands, an SDP is required. Further, since the proposed Project involves the vacation of existing portions of the roadway and dedication of new right-of-way, the SDP shall be subject to the City Process V entitlement procedure, which requires a recommendation by the Planning Commission and final action by the City Council. The

City Council will be asked to approve the SDP and the associated dedications and vacations for a County of San Diego road.

- A-3-7** The comment is referring to DEIR Section 2.3, Biological Resources, which notes that improvements to Otay Lakes Road would affect portions of the Cornerstone Lands, which are areas of land within the Multiple Species Conservation Program (MSCP) that contain valuable biological resources (DEIR, page 2.3-9.) The DEIR contains analysis of the potential impacts associated with the widening of Otay Lakes Road, determining that the improvements would result in potentially significant impacts to sensitive vegetation communities and jurisdictional waters and wetlands. (See, e.g., DEIR pp. 2.3-13 and 2.3-15 through 2.3-16.) Mitigation is proposed that would reduce the identified impacts to less than significant. (See mitigation measures M-BI-2, and M-BI-4 through M-BI-6.) With respect to the comment that the City would require further environmental review in order to issue necessary permits, the comment does not present any issue or make any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required. The County acknowledges and appreciates the comment, which will be included as part of the FEIR and considered by the decision makers.
- A-3-8** The County acknowledges the comment and understands that impacts will occur to these two areas and that there is no requirement to provide additional exhibits. The County has identified that additional permits and approvals would be required, which would include a SDP (City of San Diego), an MHPA Boundary Line Adjustment, and easements for expanded road rights-of-way across Cornerstone Lands. The MHPA Boundary Adjustment is discussed throughout Section 2.3 of the EIR; the SDP has been added to Table 1.0-2 as a future discretionary action; and easements are discussed in Table 1.0-2 and throughout Sections 2.3, 2.4, and 2.7. Further, the City has the discretion to impose additional conditions of approval and/or mitigation measures.
- A-3-9** It is understood that a boundary adjustment will be required as part of the Site Development Plan and per mitigation measure M-BI 2 for the impacts that would occur to Cornerstone Lands as part of the road improvements for Otay Lakes Road. No impacts to Cornerstone Lands or MHPA would occur as a result of the development project; the impacts would only occur as part of the required Otay Lakes Road improvements. The road is a major circulation element and is an allowed use within the MSCP Preserve. Regardless, it is understood that the boundary adjustment is required because the impacts would occur within Cornerstone Lands. The Functional Equivalency is being prepared and will be provided with the submittal of the application for the SDP. It is understood that the equivalency requires that the replacement lands provide equal or better function for the MSCP. The applicant will work with the City of San Diego to make sure the functional equivalency is acceptable.
- A-3-10** See Response to Comment A-3-9.
- A-3-11** The comment requests that certain documents be included in the biology report for any MHPA Boundary Line Adjustment affecting City lands. The comment also identifies requirements for such an adjustment. Per the comment, the County has made the requested text changes to mitigation measure M-BI-2, which notes that if the Boundary Line Adjustment is found not to meet the MSCP equivalency requirements, an amendment to the MSCP may be required. This mitigation measure and the acknowledgement of the impact are already included in the DEIR and BTR. While the Boundary Adjustment has not been completed because the road design and encroachment will need further refinement, these impacts are discussed and the worst-case scenario is included in the DEIR.

A-3-12 The County disagrees with the comment. No additional analysis of consistency with the City of San Diego MSCP Subarea Plan is required. The DEIR analyzes the Cornerstone Lands, which are within the City of San Diego MSCP. This is the only portion of the MSCP that requires analysis for the proposed Project. Section 3.3.2.3 states "A detailed functional equivalency analysis of the Project's proposed preserve configuration is provided in Section 4.0 of the Otay Ranch Resort Village Biological Resources Technical Report in Appendix C-3 to this EIR, and Section 2.3.2.5 of this EIR provides a discussion of the proposed Project's compatibility with applicable regional plans."

A-3-13 The commenter notes that the Project must comply with the MHPA Land Use Adjacency Guidelines due to adjacency of the Project footprint to the City of San Diego Cornerstone Lands. Topics of concern listed by the commenter include lighting, drainage, landscaping, grading, access, and noise. Section 2.3.5 pages 2.3-37 through 2.3-52 of the DEIR provide mitigation measures to address issues of adjacency and mitigation measures for indirect impacts to biological resources. These measures include:

- M-BI-1e, which requires installation of fencing and signs, precludes invasive species plantings, precludes lighting, and restricts access into the preserve;
- M-BI-1f, which also requires fencing and signage per the preparation of the required edge plan;
- M-BI-13, which requires preparation of a SWPPP to avoid toxics and drainage into the preserve;
- M-BI-14, which precludes drainage from flowing into preserve areas and precludes planting of invasive plants; and
- M-BI-15, which provides mitigation to avoid indirect impacts to wildlife from lighting and noise.

Based on the mitigation measures outlined above, the Project conforms to the applicable MHPA Land Use Adjacency Guidelines and will adequately protect the preserve and Cornerstone Lands.

A-3-14 The comment provides a statement of fact regarding the requirements of the City of San Diego Biology Guidelines and MSCP Subarea Plan. The County concurs that impacts to wetlands shall be avoided or minimized to the extent feasible. Mitigation measure M-BI-5 provides full mitigation for potential impacts to City Wetlands. As stated in the DEIR, "Impacts shall be mitigated at a 1:1 ratio by creation or purchase of credits for the creation of jurisdictional habitat of similar functions and values. A suitable mitigation site shall be selected and approved by the resource agencies during the permitting process. The ratio of wetland mitigation shall be 3:1 overall. A total of 2.15 acres of wetlands shall be created (1:1 creation-to-impact ratio). An additional 4.30 acres of wetlands shall be enhanced (2:1 enhancement to impact ratio)." Buffers for wetlands will be included as feasible; however, where the wetlands are adjacent to the existing road, there is no buffer currently. Protections for wetlands and to avoid both indirect and direct impacts are included in the design of the road improvements.

A-3-15 The comment relates to impacts from the improvements to Otay Lakes Road, which is an existing Essential Public Facility. Impacts to Essential Public Facilities are an allowed use within Preserve lands. Relocation of Otay Lakes Road from its current alignment would introduce large volumes of traffic into the residential community; result in comparable impacts to non-Cornerstone Lands; and not achieve the Project Objective to create a safe, efficient street circulation system that promotes walking and community cohesiveness while minimizing paved surfaces. Unavoidable impacts will occur to Cornerstone Lands as a result of leaving the road in its current location, so a deviation would occur.

A-3-16 The comment provides a statement of fact regarding the requirements of the City of San Diego Biology Guidelines and MSCP Subarea Plan. The requirements for this analysis will be conducted during the SDP process for the improvements to Otay Lakes Road.

A-3-17 The County acknowledges that water and sewer service to the Project will not be provided by the City of San Diego. The County further understands the need to require the sewer lift stations and associated facilities to be designed to certain standards to ensure reliability and redundancy. Responses to the individual comments are provided as follows:

- 1) Per Section 3.7.2.2 of the DEIR and the March 2015 Overview of Sewer Service Report provided as Appendix C16, the lift station, force mains, and gravity sewers will be public and will be operated and maintained by the County of San Diego Sanitation District.
- 2) Per Section 3.7.2.2 of the DEIR, dual force mains will be provided.
- 3) Per Section 3.7.2.2 of the DEIR, 6 hours of emergency storage will be provided.
- 4) Per Section 3.7.2.2 of the DEIR, a spare pumping unit will be provided.
- 5) Per Section 3.7.2.2 of the DEIR, standby power will be provided.
- 6) Per Section 3.7.2.2 of the DEIR and the March 2015 Overview of Sewer Service Report provided as Appendix C16, the lift station, force mains, and gravity sewers will be public and will be operated and maintained by the County of San Diego Sanitation District.
- 7) The Applicants will provide a sewer study regarding capacity to the City of San Diego. However, as currently planned, the Project would not include any upstream development that would require increased service capacity. Additionally, sewage from the Project site would not flow into the City of San Diego Metro system. Sewer service to the Project will be provided by the County of San Diego Sanitation District and a sewer study has been prepared and reviewed by the County and is included as Appendix C16 to the DEIR. There are no proposed developments upstream of this Project that will require sewer service through the Project facilities.
- 8) This comment applies to private sewer lift stations that will convey flow into City of San Diego Metro sewer facilities. The lift stations on this Project are public, to be operated and maintained by the County of San Diego Sanitation District, and will not require service from the City of San Diego.
- 9) Comment noted. Water service to the Project is being coordinated with OWD.
- 10) The Overview of Water Service provided as Appendix C17 of the DEIR was prepared in coordination with OWD, and OWD prepared and approved a Water Supply Assessment and Verification Report for the Project (Appendix C18). As the Project moves forward, OWD will require a Subarea Master Plan of Water to be prepared in conjunction with final engineering of the Project. OWD or the Project applicant can provide the Development Project Manager with a copy of that approved study as appropriate.

A-3-18 The County concurs with this comment and has made this change to the FEIR. At the bottom of page 3.7-8, “The City of San Diego Metropolitan Wastewater Department (Metro)...” was revised to “The City of San Diego Public Utilities Department manages the Metropolitan Wastewater System (Metro) and...”

A-3-19 The County concurs with this comment and has made this change in the FEIR. Section 3.7.1.2 will be amended to include a discussion of the South Bay Treatment Plant and Outfall.

- A-3-20** The County concurs with this comment and has made this change in the FEIR. “2004” was changed to “2013” on page 3.7-15. The content was confirmed to be correct per the 2013 Guidelines.
- A-3-21** See Response to Comment A-3-75 and the prior response (attached) from the City of San Diego dated February 13, 2012, and from Dexter Wilson dated February 22, 2012. In summary, the City had “no reason to disagree with the numerical results presented” to support the conclusion of Dexter Wilson. The contribution to salt and nutrient loading from the Project is negligible and less than significant. See Response to Comment A-2-22 through 24 for additional information.
- A-3-22** The County does not agree that water quality at Wueste Road and Otay Lakes Road remains an unmitigated impact. Water quality features along Otay Lakes Road and relative to Wueste Road have been addressed in Appendix C-14 CEQA Preliminary Storm Water Management Plan (SWMP): Step 7, page 36. All impervious areas along the length of Otay Lakes Road (OLR) that require water quality treatment will be mitigated either by the proposed roadside bioretention areas or Filterra units acting as higher rate biofilters per Appendix C-14: Step 7, page 34. In addition, the proposed bioretention areas along Otay Lakes Road will also serve as hydromodification facilities to attenuate flows in the range of $0.1Q_2$ to Q_{10} (see Attachment H: HMP Study of Appendix C-14).
- A-3-23** The commenter states that the Project impacts to the 11.09 acres of Cornerstone Lands are unmitigated. The County disagrees with this statement. The proposed impacts to Cornerstone Lands wetland communities within the City of San Diego jurisdiction are addressed in the DEIR on page 2.3-42 and mitigation is outlined in mitigation measure M-BI-5. Mitigation is as follows:
- “The ratio of wetland mitigation shall be 3:1 overall. A total of 2.15 acres of wetlands shall be created (1:1 creation-to-impact ratio). An additional 4.30 acres of wetlands shall be enhanced (2:1 enhancement to impact ratio). Creation/enhancement shall occur within the Dulzura Creek/Otay River watershed in accordance with a Conceptual Wetlands Mitigation and Monitoring Plan (Appendix I of the Otay Ranch Resort Village Biological Resources Technical report in Appendix C-3 to this EIR).”
- The proposed impacts to Cornerstone Lands upland communities are addressed in the DEIR page 2.3-40 and mitigation is outlined in mitigation measure M-BI-2. The mitigation measure states the following:
- “Prior to widening Otay Lakes Road, the Project applicants shall mitigate for the 11.09 acres of impacts to Cornerstone Lands and complete an MHPA Boundary Adjustment to the satisfaction of the City of San Diego Development Services Director (or his/her designee). Replacement of MHPA lands within Cornerstone Lands is proposed to be at a 1:1 ratio for lands replaced inside the MSCP Preserve.
- For replacement lands located outside of the MSCP Preserve, the mitigation is at a 4:1 ratio. Mitigation for impacts to the various vegetation communities shall be based on the tier of the impacted lands in accordance with the mitigation ratios provided by the MSCP. The mitigation and MHPA Boundary Adjustment may be implemented within the Otay Ranch Preserve on property surrounding the existing Cornerstone Lands, north of Otay Lakes Road, or may be offsite at a location determined acceptable by the City of San Diego.”

- A-3-24** The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers. However, the comment refers to trespass, which is not within the scope of CEQA. For that reason, no further response is needed or required.
- A-3-25** The County concurs with this comment. Jurisdictional boundary lines have been added to Figure 1.0-13. This change is reflected in the FEIR.
- A-3-26** The County concurs with this comment. For the purpose of the DEIR, Otay Lakes and Otay Reservoir are used synonymously. However, Otay Lakes has been changed to Otay Reservoir in the FEIR.
- A-3-27** The County concurs with this comment. Street names have been added to Figure 1.0-1.
- A-3-28** The County concurs with this comment. The text in Table 1.0-2 has been revised to include additional City permits.
- A-3-29** The County concurs with this comment. The name "San Diego Water Department" has been changed to correctly say "San Diego Public Utilities Department" throughout the document. The suggested text in the comment was added to the last paragraph of Section 3.2.1.1.
- A-3-30** The County concurs that a bioretention system is needed at the intersection of Wueste Road and Otay Lakes Road. However, water quality has been analyzed and mitigated for this Project, as discussed in Appendix C-14 CEQA Preliminary SWMP (Attachment D: Sizing Calculations and Attachment C: Drainage Management Area Exhibits). All impervious areas along the length of Otay Lakes Road that require water quality treatment will be mitigated either by the proposed roadside bioretention areas or Filterra units acting as higher rate biofilters per Step 7, page 36 of the SWMP, Appendix C-14. The preliminary design of the bioretention areas at the intersection of Wueste Road and Otay Lakes Road is included within the SWMP (see Appendix C-14 Step 7, page 36, Attachment D: Sizing Design Calculations and Attachment H: HMP Study). These bioretention areas are sized properly to treat the street runoff. Additionally, bioretention areas have been added to Sheet 6 of the tentative map per comment suggestion. The offsite areas north of Otay Lakes Road, which are natural, will remain natural in the post-development condition. Flows from those areas will bypass the bioretention areas. Therefore, impacts are less than significant.
- A-3-31** The County concurs with this comment. The following language has been revised in Section 3.2.2.1 of the FEIR to reflect the comments of the City of San Diego. "Moreover, the capacity of Lower Otay Reservoir is sufficient to absorb peak flow increases in that the reservoir operator has the ability and discretion to draft water to the water treatment plant and use the spillway during extreme precipitation events. To accommodate increased winter and spring storm runoff, drafting water to the treatment facility is utilized as needed to regulate the level of the reservoir."
- A-3-32** The County concurs with this comment. The following language has been revised in Section 3.2.2.1 of the FEIR to reflect the comments of the City of San Diego. "The current elevation of the Lower Otay Reservoir is 474 feet which maintains the storage volume necessary to meet emergency storage requirements for the City of San Diego. Therefore, due to the large storage volume of the reservoir and the management of water elevation, the potential for flooding downstream of the Project site is considered minimal, eliminating the need for flood control detention facilities for the Project."
- A-3-33** The County concurs with this comment. The name of the Attachment has been changed in Section 3.2.2.2 to correctly reference Attachment K of the SWMP (Appendix C-14).

A-3-34 See Response to Comment A-3-30 for a discussion of potential water quality impacts to Otay Lakes Road and Wueste Road. See Response A-3-4 for the discussion of the City of San Diego’s discretion as a Responsible Agency. City permits are only required for offsite improvements related to Otay Lakes Road and City-owned property are not required to be reflected on the tentative map.

A-3-35 The Project does not propose the use of recycled water onsite. Due to discussions with the City of San Diego regarding the use of recycled water within watersheds tributary to surface water storage reservoirs, the proposal to use recycled water within the Project has been eliminated. The projected water use within the Project was estimated with the assumption that use of recycled water would not be allowed. The updated Water Supply Assessment and Verification (WSA&V) prepared by Dexter Wilson and dated January 2014 (included as an update to Appendix C-17 – *Overview of Water Service*) reflects a reduction of 142 acre-feet per year from the January 2009 WSA&V) and was found consistent with the previous findings of no unanticipated demand for water.

Table 3.3.1 – Sewerage Facilities, last sentence in the Consistency Analysis has been revised to state “The Project does not propose the use of recycled water due to the proximity and potential for runoff to the Lower Otay Reservoir.” Table 3.3.1 – Water Reclamation Facilities has been revised to state “The Project does not propose the use of recycled water due to the proximity and potential for runoff to the Lower Otay Reservoir” and to delete the discussion of implementation. The following additional language has been added “The Project will cooperate with the Otay Water District to participate in the development of alternative water supply(s) which can be achieved by the payment of the New Water Supply Fee adopted by the Otay Water District Board in May 2010.”

A-3-36 The County is aware of and acknowledges the exceptional drought conditions within the State of California. Appendix C-18, Otay Water District (OWD) Water Supply Assessment and Verification Report, has been updated to include a memorandum regarding consistency analysis of the Urban Water Management Plan (UWMP) adopted by the OWD with the requirements set forth in Executive Order B-29-15 (EO) and EO B-37-16 issued by Governor Brown and subsequent State Water Resources Control Board (SWRCB) regulations. The conclusions made in the DEIR, Section 3.7 remain valid and unchanged based on the consistency analysis since the Project is consistent with and will adhere to any existing and new water conservation regulations from the EO, SWRCB, and OWD.

As a result of the current drought conditions, SDCWA and OWD are recommending drought Level 2 conditions that do not restrict new connections but do require mandatory cutbacks. Based on SWRCB-issued emergency water conservation regulations, which delineate the percentages of conservation required compared to 2013 use based on per capita water demand, the SWRCB determined that OWD needs to reduce its service area potable water use by a 20% reduction relative to its 2013 water use. Emergency regulations set by the SWRCB are provided in the memorandum, and the Project will comply with all SWRCB and OWD regulations, emergency or otherwise applicable and in effect at the time of building permit issuance. It is reasonable to conclude that OWD can provide a reliable supply of water to the Project.

A-3-37 The County concurs that storm water systems must be maintained in perpetuity and this issue has been addressed throughout the SWMP, Appendix C-14 of the DEIR for Village 13.

Attachment F of the SWMP includes a maintenance program of all the treatment control

facilities, including the Filterra units. The maintenance program included for the bioretention basins and roadside bioretention areas is consistent with maintenance activities listed for bioretention facilities in the CASQA (TC-32) BMP Handbook for New Development. The program in Attachment F is general as the bioretention areas/basins are non-proprietary facilities.

Regarding responsibility, per Step 8, page 41 of the SWMP Appendix C-14 of the DEIR for Village 13:

“Funding will be the responsibility of the developer(s) until the Project is completed. At that time, funding for all water quality treatment BMPs within the public right-of-way is provided by the Homeowners Association for the Otay Ranch Resort Village development. The HOA will be responsible to perform the maintenance activities and ensure adequate funding into perpetuity.

Additionally, a BMP Maintenance Agreement with Easement will be entered into with the County of San Diego which will accomplish three objectives. The easement will be dedicated on the final map. The agreement will commit the land to being used only for purposes of the BMP; the agreement will include an obligation be the landowner to maintain the facilities in accordance with this Storm Water Management Plan (which would be passed on to future purchasers or successors of the landowner as a covenant). The final map will include an easement giving the County the right to enter onto the land for access to inspect the BMPs.”

A-3-38 See Response to Comment A-3-37.

A-3-39 The County acknowledges and appreciates this comment. As discussed in Section 3.7.2.2 of the DEIR and in the Overview of Sewer Service provided as Appendix C-16, all reasonable precautionary measures have been provided to prevent a sewer spill from occurring. Each lift station will have dual-force mains such that if one pipe breaks, another pipe can be used to convey flow while repairs are being made. The station includes redundant pumping units such that the design capacity can be met with one pump out of service. The stations will include standby diesel generators with automatic transfer switches to provide backup power in the event of a commercial power failure. Standard overflow storage requirements for non-sensitive areas is 2 hours of peak flow, but 6 hours of peak flow storage is being proposed for the lift stations on this Project due to the sensitive area where the stations will be located. These precautionary measures for the lift stations are included in the sewer study. The sewer study evaluates the design of the lift stations to ensure the reservoir is protected from potential failures or malfunctions. Analysis of the sewer system is included in Sections 3.7.2.2 and 3.7.3.2 of the EIR.

A-3-40 Regarding biological analysis, please refer to Responses to Comments A-3-11, A-3-13, A-3-14, A-3-16, and A-3-23 for the analysis and requirements for analysis for adjacency to Cornerstone Lands.

A-3-41 The County acknowledges the comment. The Project does not propose increased recreational use with the City of San Diego’s MSCP lands. The addition of trails and pathways occurs on common areas and within the public right-of-way for streets and roads, not within the preserved habitat of the Cornerstone Lands. Any future connections to trails identified in the Otay Valley Regional Park Concept Plan (the OVRP Trail Corridor and California Riding and Hiking Trail) will be made from the public right-of-way. The comment also refers to unauthorized access and vandalism. The County acknowledges that the City has experienced illegal acts in the past and that such acts may occur in the future. However, the comment does not raise any new issue or make any new substantive comment concerning the adequacy of the DEIR. Such issues are best addressed by the property owner through appropriate property management actions.

- A-3-42** The DEIR concluded that the Project will not have a significant impact on City-owned land and the reservoir. Therefore, no mitigation is required. Moreover, the illegal acts to which the comment refers are not part of the Project and constitute a law enforcement issue, not a Project impact. Regarding potential impacts to the Tactical Air Operations lease at John Nichols Field, Section 2.6.1.9 of the DEIR– Aeronautical Uses analyzed the air operations at John Nichols Field and determined that, because the facility is not a public use airport, the cited provisions of the State Aeronautics Act do not apply. However, the *California Airport Land Use Planning Handbook* was used to assess whether impacts related to airport hazards would be less than significant (FEIR Section 2.6.2.3 – *Airport Hazards*). That analysis concluded that the proposed Project’s impacts regarding airport hazards, including compatibility impacts associated with current operations at John Nichols Field, would be less than significant (FEIR Section 2.6.2.3.) Trespassers entering the airfield is a law enforcement issue and not an impact of the proposed Project. The FEIR is not required to address possible illegal actions of individuals. Likewise, there is no evidence that any wildlife crossing proposed by the Project would affect the airfield.
- A-3-43** The County concurs with this comment. The Otay Valley Regional Park trail has been added to Figure 1.0-9 to show trail connections at Project boundaries.
- A-3-44** The County acknowledges that for impacts in City of San Diego-owned right-of-way or open space, the City, as the Responsible Agency, has the discretion to include additional mitigation measures with approval of the SDP and associated actions as deemed necessary. The DEIR is in compliance with the PEIR.
- A-3-45** Section 3.6.2.4 – *Parks* of the DEIR discusses the requirement for public parks and open space. The Project satisfies the County’s Park Land Dedication Ordinance requirement of 16.63 acres by implementing 21.9 net acres of public parks onsite. This also fully satisfies the Otay Sub-Regional Plan (SRP) requirement for 20.9 acres (based upon providing 3 acres per 1,000 residents). The Project also satisfies the requirement of open space by providing 1,233 acres within the Project, well in excess of the 187.9 acres required with the Otay SRP. Therefore, impacts to public parks and open space would be less than significant.
- A-3-46** The County disagrees with this comment. Analysis for cumulative impacts is contained in Section 3.6.3 and includes all public services and facilities addressed in Section 3.6.2.
- A-3-47** The County disagrees with the comment. "The significance threshold for land use/planning is based on Appendix G of the CEQA Guidelines. This guideline requires evaluation of the adopted land use plans governing the region and the Project site, and whether any conflicts arise between those plans and implementation of the proposed Project." (See DEIR Section 3.3.2.2.) Section 3.6 discusses cumulative impacts to public facilities. As discussed in the section, the Project would not result in either direct or cumulative impacts to public services. Therefore, no mitigation is required as the Project would not result in any significant impacts.
- A-3-48** The Project does not propose public access to the Lower Otay Reservoir. Therefore, no impacts would result from implementation of the Project.
- A-3-49** See Responses to Comments A-3-41 and A-3-42. As stated in the comment, the primary responsibility for protecting the water quality of the Lower Otay Reservoir rests with the City of San Diego. The County disagrees with the City’s proposal to shift this responsibility to a private party. The trespassing activities referenced in the comment are illegal and not part of the Project. They constitute a law enforcement issue, not a land use issue or Project impact. CEQA does not

require the County to assess illegal activities. For that reason, the County provides no further response to this comment.

A-3-50 Refer to Response to Comment A-3-29.

A-3-51 The County concurs with the comment. Changes to the text in Section 3.3.1.2 have been made.

A-3-52 The County concurs with the comment. Changes to the text in Section 3.3.1.2 have been made.

A-3-53 The Applicant met with the City of San Diego Public Utilities Department staff in late 2011 and early 2012 to discuss the potential for water quality impacts and salt loading to the Otay Reservoir. As a result of these meetings, City staff indicated in a letter dated February 13, 2012 (attached), that the City had “no reason to disagree” with the analysis provided by Dexter Wilson (see Response to Comment A-3-21). As previously stated, the Project does not propose trails (exclusive of a trail within the right-of-way of a public road) on public land within 1,000 feet of the reservoir. The County disagrees with the City’s assertion it uses the 1,000-foot setback at other reservoirs; both Lake Murray and Lake Miramar include public trails and other recreational activities within 1,000 feet of the high water line. To mitigate potential impacts from development regardless of the distance from the reservoir, a water quality management plan was prepared with reduces impacts to below a level of significance.

A-3-54 The Village Design Plan is satisfied by planning a complete community with parks, a school, and a public safety site. The redesign of the Project to use the existing Otay Lakes Road as a barrier for new development allows for a more sensitive treatment of the road as a scenic highway accentuated with native trees and plantings.

A-3-55 The County disagrees with the comment. The Concept Plan identifies a trail around Otay Reservoir, and would allow for a trail connection to the trail along Otay Lakes Road. Therefore, the Specific Plan is consistent with the Otay Valley Regional Park Concept Plan, as it does not inhibit the implementation of this trail. The preparation of the Resource Management Plan and the adopted RMP II satisfy the requirement for an Open Space Master Plan.

A-3-56 The commenter expresses concern about wildlife movement. The wildlife agencies have provided input on the wildlife culverts to their satisfaction and the applicant proposes to install culverts along Otay Lakes Road and at the appropriate location within the internal road crossings of the preserve. Currently, there are no culverts suitable for wildlife along Otay Lakes Road. By installing culverts along the road, the proposed Project would be facilitating wildlife movement in this area. DEIR Section 2.3.5.6 mitigation measure M-BI-12 provides the mitigation measure for the culverts and a full description of the culvert dimensions.

These culverts provide for wildlife movement from the northern portion (and offsite National Wildlife Refuge lands) of the preserve under the two internal roads and continuing south under Otay Lakes Road to connect to other preserve lands south of the site. The proposed Project includes a boundary adjustment to provide for two wildlife corridors through the site compared to the single corridor that was originally analyzed.

A-3-57 The County concurs with this comment. The text has been updated in Section 3.3.3 to reflect this change.

A-3-58 The pedestrian and bicycle pathway consistency analysis discussion in Table 3.3-1 has been revised so there is no longer a reference to “existing trails within open space.” The Project does not propose any public recreation uses at Otay Reservoir. Therefore, no coordination with the City of San Diego has been done at this time. The consistency analysis in Table 3.3-1 regarding this Village Policy is describing potential future action.

A-3-59 The County disagrees with this comment. The internal trails of the Project connect to the Otay Lakes Road Trail, which in turn connects to other regional trails, existing and planned.

A-3-60 See Response to Comment A-3-35.

A-3-61 See Response to Comment A-3-35.

A-3-62 The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers. However, the comment provides factual background information and does not raise any issue concerning the adequacy of the DEIR. For that reason, the County provides no further response to this comment.

A-3-63 See Response to Comment A-3-41. The linkages from the Project do not prohibit or impede the development of trails within the OVRP. The Otay Lakes Vicinity Segment of the OVRP identifies two possible connection points from Otay Lakes Road on the east and west sides of the Project. Providing a continuous trail from internal to the Project to the Otay Lakes Road trail is consistent with the Concept Plan.

A-3-64 See Response to Comments A-3-41 and A-3-63. The Project does not propose to plan, design, or construct trails within the OVRP. The full analysis for any proposal for trail development in the OVRP is most appropriately the responsibility of the parties to the OVRP Joint Exercise of Powers Agreement.

A-3-65 The Specific Plan has been revised to correctly reflect the management agreement as a “*Joint Exercise of Powers Agreement*”.

A-3-66 Exhibit 36 – *Preserve, Parks, Recreation, Open Space and Trails Plan* of the Specific Plan provides for pathways (such as the 8-foot- to 10-foot-wide multi-use path designed within the Otay Lakes Road public right-of-way) and trails (located on private streets and private recreation lots) as discussed on page 79 of the Specific Plan. The pathway along Otay Lakes Road is not the trail that follows the high water line of the reservoir.

A-3-67 The Project is consistent with, but does not implement, the OVRP Concept Plan. Including this plan would be misleading as to the scope of the private development project.

A-3-68 The County concurs with this comment. Section 2.9.3.6 of the FEIR has been revised to refer to Specific Plan Exhibit 36.

A-3-69 The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers. However, the comment does not present any issue or make any substantive comment about the adequacy of the DEIR; for that reason, no further response is needed or required.

A-3-70 There are no Open Space dedications to the OVRP. Paragraph 1 of the Specific Plan discussion of Regional Open Space (page 78) states “*the Project area*” contains the internal open space and

Preserve land. The internal Open Space to be dedicated will be maintained through a CFD or by the HOA.

A-3-71 The Specific Plan provides the entitlement bridge linking the general and sub-regional plans with the project-level approval of the Resort Village 13. Under California State Law, a Specific Plan must be found consistent with the General Plan. As a legislative act, the Board of Supervisors has the discretion to approve a Specific Plan for an individual project that may be inconsistent with other rules, regulations, policies, and ordinances. An example is the ability for a Specific Plan to create unique zoning that is inconsistent with a county-wide zoning ordinance. To ensure the implementation of the proposed Project achieves the vision and Project objectives considered by the decision makers, it is appropriate to the Specific Plan to control and supersede inconsistent provisions of other planning documents. However, in the event of an inconsistency with the Otay Valley Regional Park Plan, the Specific Plan shall not supersede.

A-3-72 Please see Global Response 1: Phase II RMP.

A-3-73 The County acknowledges and appreciates the comment. It will be included as part of the FEIR and considered by the decision makers.

A-3-74 The County acknowledges and appreciates the late comment letter. It will be reviewed and considered by the decision makers. However, the late comment letter doesn't provide or raise any new issue or include any new substantive comment concerning the adequacy of the DEIR. For that reason, the County provides no further response to this comment.

A-3-75 The comment provides a previous letter and does not raise any new issue or include any new substantive comment concerning the adequacy of the DEIR. Information requested in this letter was incorporated into the DEIR and also addressed in responses to comments and therefore incorporated into the FEIR. For that reason, the County provides no further response to this comment.